



PATENT  
Customer No. 22,852  
Attorney Docket No. 06530.0306

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
John A. GRIEGO ) Group Art Unit: 3731  
)  
Application No.: 10/682,197 ) Examiner: Unknown  
)  
Filed: October 10, 2003 )  
)  
For: DEVICE WITH DEFLECTABLE ) Confirmation No.: 1259  
DISTAL END AND RELATED )  
METHODS OF USE )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO/SB/08. To the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. A copy of the listed foreign patent documents and non-patent literature document is attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Form PTO/SB/08.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /V.B./

documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: March 11, 2005

By: 

Michael W. Kim  
Reg. No. 51,880

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|--|--|---|----|--------------------------|--|
| IDS Form PTO/SB/08. Substitute for form 1449A/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(Use as many sheets as necessary) |  |   |    | <b>Complete if Known</b> |  |
| Sheet  |  | 1 | of | 1                        | Application Number<br>10/682,197       |
|  |  |   |    |                          | Filing Date<br>October 10, 2003        |
|  |  |   |    |                          | First Named Inventor<br>John A. GRIEGO |
|  |  |   |    |                          | Art Unit<br>3731                       |
|  |  |   |    |                          | Examiner Name<br>Unknown               |
|  |  |   |    |                          | Attorney Docket Number<br>06530.0306   |

### U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

| Examiner Initials | Cite No. <sup>1</sup> | Document Number<br>Number-Kind Code <sup>2</sup> (if known) | Issue or Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|-------------------|-----------------------|---|---|---|---|
|                   |                       | US-5,690,269 A  | 11-25-1997                              | Bolanos et al.                                  |   |
|                   |                       | US-5,700,275 A  | 12-23-1997                              | Bell et al.                                     |   |
|                   |                       | US-2002/0120253 A1  | 08-29-2002                              | Ouchi   |   |
|                   |                       |   |   |   |   |
|                   |                       |   |   |   |   |
|                   |                       |   |   |   |   |
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**Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004**

### FOREIGN PATENT DOCUMENTS

| Examiner Initials | Cite No. <sup>1</sup> | Foreign Patent Document<br>Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | Translation <sup>6</sup> |
|-------------------|-----------------------|--|--------------------------------|---|---|--------------------------|
|                   |                       | WO 97/12557 A  | 04-10-1997                     | Kelleher  |   |                          |
|                   |                       | WO 99/52489 A  | 10-21-1999                     | Ethicon Endo Surgery Inc.                       |   |                          |
|                   |                       | WO 02/07611 A  | 01-31-2002                     | Bonadio et al.                                  |   |                          |
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|                   |                       |  |                                |   |   |                          |
|                   |                       |  |                                |   |   |                          |
|                   |                       |  |                                |   |   |                          |

### NON PATENT LITERATURE DOCUMENTS

| Examiner Initials | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation <sup>6</sup> |
|-------------------|-----------------------|---|--------------------------|
|                   |                       | International Search Report and Written Opinion in PCT/US2004/030913 mailed February 9, 2005.   |                          |
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|--------------------|----------|-----------------|------------|
| Examiner Signature | /Vy Bui/ | Date Considered | 02/14/2009 |
|--------------------|----------|-----------------|------------|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /V.B./